

IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF TEXAS
DALLAS DIVISION

JOHN-PIERRE BANEY,

Plaintiff,

v.

MICHAEL MUKASEY,

Defendant.

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Civil Action No. **3:06-CV-2064-L**

ORDER

Before the court are Defendant's Motion for Summary Judgment, filed May 2, 2008, and Plaintiff's Motion to Deny Defendant's Motion for Summary Judgment, filed June 5, 2008.¹ On January 22, 2007, the case was referred to United States Magistrate Judge Irma C. Ramirez for pretrial management, including the determination of nondispositive motions and issuance of findings of fact and recommendations for dispositive motions. On June 11, 2008, the Findings and Recommendation of the United States Magistrate Judge ("Report") was filed. Plaintiff filed a Motion to Request Extension and the Removal of the [Trial] Attorney on June 23, 2008, which the court construes as objections to the Report.

This is a *pro se* employment discrimination and civil rights action.² The magistrate judge found that no genuine issue of material fact existed as to either Plaintiff's remaining Title VII claim regarding the termination of his medical, dental, and life insurance benefits or his claim under the Whistleblower Protection Act. She recommended that the court grant Defendant's Motion for

¹Plaintiff filed a motion to deny, but did not file a response to Defendant's Motion for Summary Judgment.


²Plaintiff's civil rights action is based on the decision of the Equal Employment Opportunity Commission ("EEOC"), which determined that he failed to establish his claim of employment discrimination. In light of the court's rulings on June 27, 2007 and March 14, 2008, only Plaintiff's Title VII claim regarding the termination of his medical, dental, and life insurance benefits and his claim under the Whistleblower Protection Act remain.

Summary judgment as to these claims. The magistrate judge also recommended that Plaintiff's Motion to Deny Defendant's Motion for Summary Judgment be denied as moot based on her recommendation to grant summary judgment in favor of Defendant on all remaining claims.

In his Motion to Request Extension and the Removal of the [Trial] Attorney, Plaintiff merely informs the court of his other legal activities and reiterates the factual bases for his lawsuit. Accordingly, the court **overrules** Plaintiff's objections. Plaintiff also requests a jury trial and requests that the court impose sanctions against "Department attorneys" based on his conclusory allegations of their misconduct. The court **denies** these requests.

Having reviewed the magistrate judge's Report, the motions, briefs, record, and applicable law, the court determines that the findings and conclusions are correct. The magistrate judge's findings and conclusions are therefore **accepted** as those of the court. Accordingly, the court **grants** Defendant's Motion for Summary Judgment and **dismisses with prejudice** Plaintiff's Title VII claim regarding the termination of his medical, dental, and life insurance benefits and his claim under the Whistleblower Protection Act. The court **denies as moot** Plaintiff's Motion to Deny Second Motion to Dismiss and Deny Motion for Summary Judgment. The court also **denies** all other relief requested and not herein granted.

It is so ordered this 30th day of June, 2008.


Sam A. Lindsay
United States District Judge